

Minutes

DAGSBORO TOWN COUNCIL

Bethel Center – 28307 Clayton Street

Monday, March 20, 2017

I. CALL MEETING TO ORDER

6:00 p.m.

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Council Members Patrick Miller, William Chandler, and Theresa Ulrich, Town Administrator Cynthia Brought, Police Chief Floyd Toomey, Engineer Kyle Gulbranson, and Attorney Rob Witsil. Vice-Mayor Norwood Truitt was absent. See attached sign in sheet for other members of the audience.

II. POLICE RECOGNITION

Mayor Baull presented Staff Sergeant Harry Litten with a certificate from the American Police Hall of Fame, a General Commendation Award, and a plaque to thank him for his service.

Mayor Baull also presented Chief Floyd Toomey with a certificate from the American Police Hall of Fame, a General Commendation Award, and a plaque to thank him for his service.

III. PUBLIC COMMENT

Paul Hardy introduced himself and shared that he would like to open a small hotel in Dagsboro. He let them know that he is in the process of going before the Planning and Zoning and he let the Town Council know that if anybody had any questions, he was available to answer them.

IV. PUBLIC HEARING AND VOTE

- A. This is an ordinance to amend Chapter 275, Section 275-7 of the municipal code of the Town of Dagsboro, Delaware, entitled, "Application to Governments" by adding a provision to specifically and singularly exempt signage proposed by the Dagsboro Volunteer Fire Department from the regulations of Chapter 275.

Attorney Witsil feels that a change might be in order. He has since found that in Chapter 275, Section 69, there is a provision for exemptions from regulations and he would like the regulations to be as specific as possible. Amending the "Application to Governments" section might cause some people to believe the Fire Company is a government entity. He feels Chapter 275, Section 69 is the more appropriate place for this amendment. He believes since the language to the amendment is not being changed and the only change is the location and it will still be in the same chapter, it will be fine to still go forward. The alternative would be to put this on the next month's meeting so that it can be advertised as Chapter 275, Section 69.

Councilman Chandler asked for clarification on the language for the suggested section. Attorney Witsil replied that the language will remain identical and it would just be a change in the location of the code to Chapter 275, Section 69-B.

Councilman Chandler noted that the Planning and Zoning Commission is currently looking at proposing changes to the sign ordinance that would allow a scale to consider the size of the building. If that is done, it would make this amendment surplus. However, he also acknowledged that the adoption of a new sign ordinance would probably not be done in time for the fire company to have their sign for their approaching anniversary. Mr. Gulbranson stated that the Planning and Zoning Commission is looking at the sign ordinance, however, they are only focusing on the Town Center district and the fire department is zoned commercial.

Attorney Witsil informed those present of the rules for a Public Hearing and proceeded to state the proposed changes for the ordinance to amend the Municipal Code of the Town of Dagsboro, Delaware, Chapter 275, section 69 to add an exemption from the sign regulation, contingent upon sign site plan approval by the Town Council, of said chapter for the Dagsboro Volunteer Fire Company.

The meeting was then opened up for questions from Town Council and those in favor of the proposed ordinance, followed by those opposed. Cathy Flowers, Planning and Zoning member, informed the Council that she is in favor of this amendment. There were no opponents to the amendment that commented.

Mayor Baull gave an opportunity for any other discussion on the amendment. There were no other questions. Councilman Chandler made a motion to close the public hearing. Councilman Miller seconded the motion. All in favor.

Attorney Witsil restated that this is an adoption of an amendment to Chapter 275-69B. Councilman Chandler made a motion to accept the amendment to Chapter 275-69B. Councilwoman Ulrich seconded the motion. All in favor.

V. APPROVAL OF MINUTES

a. February 27, 2017 – Town Council Meeting

There were no suggested changes to the meeting minutes. Councilman Chandler did comment that he appreciated the meeting minutes being completed thoroughly. Councilman Chandler made a motion to approve the minutes. Seconded by Councilman Miller. All in favor.

b. February 27, 2017 – Town Council Executive Session

Councilman Chandler made a motion to accept the Executive Session minutes and Councilman Miller seconded. All in favor.

VI. CONSENT AGENDA

A. Police Department Report

Police Chief Toomey shared that in addition to the Police Recognition Ceremony from earlier, he had been prepared to recognize Patrolman Joles and Patrolman First Class Bare. Unfortunately, they were in the middle of an arrest and were not able to make it to the meeting. Chief Toomey asked for permission to move forward with the promotion/recognition instead of waiting another month for the Town Council to meet. Patrolman Bare's promotion to Patrolman First Class was effective March 1st. Patrolman Joles was being recognized with the Dagsboro Expert Officer Cord. Town Council was in agreement with Chief Toomey presenting the awards to the officers at the next available time.

Chief Toomey then proceeded with reviewing the monthly statistical report with the Council. He also shared some surrounding municipality police salaries for the Council to think about.

B. Treasurer's Report

C. Administrative Report

Town Administrator Brought asked the Town Council about her information on delinquent taxes. She feels maybe a letter from Attorney Witsil would be more beneficial than a monthly letter from the town that only results in a couple of payments every couple of months. Attorney Witsil responded that he does not like to become involved in debt collection because then the town must comply with the Debt Collection Act. He would prefer to put a lien on the property. In looking at the current list, he doesn't feel it is worth forwarding delinquencies less than two hundred dollars to him because he doesn't feel it is worth their effort, but that delinquencies over five or six hundred dollars might be worth the attention.

There was an old tax delinquent letter that had a notice on it notifying the property owner that the attorney will be contacted if the taxes are not paid. Councilwoman Ulrich stated that she thinks that might help; she said that she would think twice about not paying if she received a notification like that. Councilman Chandler agreed that the notices should use that language on the notices once and see if it helps to get results and then forward those that still do not pay to Attorney Witsil. Mayor Baull asked if it could be worded to let the tax payer know that penalties, including a lien on the property, will be the next step. Attorney Witsil stated that he could work on the wording to include on the delinquent notices.

D. Economic Development Committee

E. Building Official Report

F. Code Enforcement Report

G. Meeting Reports

H. Water Department Report

I. Prince George's Chapel Cemetery Report

J. Correspondence

Councilman Chandler asked what the letter from Fernmoor Homes was about and Town Administrator Brought asked Mr. Gulbranson for clarification. Mr. Gulbranson stated that it looks like they are asking for an inspection on the improvements that they made on phase three. He stated that AECOM would complete that inspection and then report back to the council. Councilman Chandler shared that he walked by recently and noticed significant erosion from where they raised the land and it has left a cliff-like effect that goes into the town park. Mr. Gulbranson responded that they have notified the conservation office and they are supposed to come out and check.

Motion to approve the consent agenda was made by Councilman Chandler and seconded by Councilwoman Ulrich. All in favor.

VII. PLANNING & ZONING COMMITTEE

A. Moving meeting dates to the first Wednesday

Planning and Zoning Co-Chairperson Cathy Flowers informed the Town Council that the Planning and Zoning meetings will be the first Wednesday of the month.

B. Sign Ordinance Update

Commissioner Flowers stated that Kyle Gulbranson did a great job putting the sign ordinances in a chart and that the Commission went through and accepted some items or tweaked others. Mr. Gulbranson will be re-typing all of their proposals and they will be reviewing that at the next Planning and Zoning meeting.

C. Paul Hardy's Proposal for the Town

Commissioner Flowers also shared the concerns that the Planning and Zoning had about Mr. Hardy's hotel, such as if there will be enough business and the traffic in that area. They also suggested the Mills' property.

Mr. Hardy thanked everyone for their reception and stated that they are looking at the Mills' property. He also asked that if anybody is totally against it, to please let him know.

Councilman Chandler mentioned that Del-Dot actually proposed a stoplight at Iron Branch Road and Main Street and that it is still on their list, but that list is very lengthy.

Mr. Gulbranson shared that currently, hotels are not allowed in the Town Center District. He stated that Mr. Hardy will share renderings with the Planning and Zoning Commission in the future, but that in the meantime, he and the Planning and Zoning are aware that if this does move forward, there would need to be a change in permitted uses.

VIII. NEW BUSINESS

A. 2016 Audit Presentation by PKS

Leslie Aguillion from PKS stated that there was a scheduling conflict with the department and they will need to reschedule the audit presentation. She has been in contact with Town Administrator Brought and she can say that the audit is clean and looks similar to the previous year.

Councilman Chandler asked if this could be scheduled for the April meeting and if they will get a copy of the audit. Mrs. Aguillion responded that the April meeting is fine and that the council members will get a copy of the audit; she stated that she can send it to Town Administrator Brought ahead of time if the council would like to see it earlier.

B. Department of Corrections 2017 Grass Cutting Contract

Councilwoman Ulrich asked if everything is the same as last year. Town Administrator Brought found it to be the same as all other information she found. Mayor Baull mentioned that it is by far the best price that the mowing could be done for. Councilman Chandler made a motion to approve the proposed contract. Seconded by Councilman Miller. All in favor.

IX. OLD BUSINESS

A. Discuss sales contract for town property at 29471 Vine's Creek Road

Mr. Steve Timmons had stated he would have the contract ready for signatures, but that does not seem to be what he sent. It states a price of \$72,750. Councilwoman Ulrich questioned the price. The Town Council had countered an offer of \$79,900. Town Administrator Brought mentioned that he had stated something about his commission. Councilman Chandler agreed and thought that Mr. Timmons was reducing his commission to bring the price to \$75,000. Councilwoman Ulrich asked that with the interested paid, the price gets to their bottom line price. She is concerned that if they counter again, they might be risking losing the sale. Councilman Miller and Councilman Chandler agreed. Councilman Chandler asked who would be signing the contract for the town. Town Administrator Brought replied that she believes it would be Mayor Baull.

Attorney Witsil shared concerns with the contract that he thinks needs to be rectified. He pointed out the financing contingency in paragraph number five, but then under paragraph six they request a settlement within thirty days of acceptance, which would be difficult. Councilman Chandler clarified that the purchasers have already signed it and stated they could ask for an extension. Attorney Witsil stated it is their language and agreed they could ask for an extension, but that Council should not count on thirty days. He also pointed out it has an "as-is" provision under number seventeen.

Councilman Chandler made a motion to approve the proposed contract and to authorize the Mayor and Town Administrator to sign the contract on behalf of the town. Councilwoman Ulrich seconded this motion. All in favor. Councilman Chandler also stated that he had been in contact with Vice-Mayor Truitt and that he was also in favor of this contract.

B. Discuss de-annexation report – Bireley/Hearn

Attorney Witsil shared that he notified Sussex County and the State planning offices, but has not heard back. He did speak from Janelle at the Sussex County planning office so they are aware that they will receive the property back as AR-1 in a default status and she had no verbal objections. He stated that the next step is for the Council to set a public hearing date.

Councilman Chandler made a motion to schedule a public hearing for April 17th. Councilman Miller seconded. All in favor.

Mayor Baull asked if there was any other public comment before moving into the Executive Session. Having none, Councilman Chandler made a motion to adjourn the meeting and move into the Executive Session. Seconded by Councilwoman Ulrich. All in favor.

X. EXECUTIVE SESSION

Please see separate Executive Session minutes.

XI. RECONVENE PUBLIC MEETING

Attorney Witsil inquired whether any attendees were present to rejoin the Town Council meeting. There were no attendees still present. Councilman Chandler made a motion that the town move forward and execute the contract for the year with Town Administrator Cynthia Brought for the annual salary amount of \$42,000 and that the town would increase the salary for Megan Thorp from \$12.50 an hour to \$13.50 an hour, effective April 2, 2017. Councilwoman Ulrich seconded. All in favor.

Even though it doesn't count, Councilman Chandler informed the rest of Town Council that he had spoken to Vice-Mayor Truitt previously and he was also in favor of these decisions.

XII. PUBLIC COMMENT

No public comment was made.

XIII. ADJOURNMENT

A motion to adjourn the regular meeting was made by Councilman Chandler and seconded by Councilman Miller. Meeting was adjourned at 7:20 p.m.

Respectfully submitted by;

Megan Thorp
Town Clerk